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**VIA ECF**

January 15, 2021

Hon. Andrew E. Krause  
U.S Magistrate Judge  
Southern District of New York  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

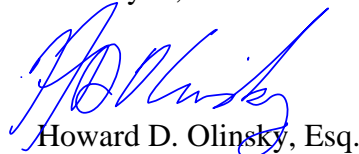
Re: Raphael v. Commissioner 7:18-cv-06120

Dear Judge Krause,

Through counsel, Howard D. Olinsky, Brittany Claire Raphael, files this notice regarding the Motion for Attorney's Fees pursuant to 42 U.S.C. § 406(b)(1) filed November 11, 2020. Petitioner was recently informed that the administrative representative filed a fee petition with the agency for \$11,751.75 of the legal fees withheld. If the administrative representative's petition is granted in full, the remaining benefits withheld (\$3,357.50) will be insufficient for payment of an award under 42 U.S.C. § 406(b) and Plaintiff's Motion will be withdrawn.

Due to *Sinkler v. Berryhill*, 932 F.3d 83 (2d Cir. 2019), Plaintiff was required to file her Motion prematurely, before the amount of available fees was known, or risk it being considered untimely. Plaintiff respectfully requests the Court stay consideration of her Motion until the administrative representative's fees have been determined. Based on Petitioner's own experience with fee petitions, it may take a year or more for the agency to determine the administrative fees. Therefore, with the Court's permission, Petitioner intends to file a status report every 60 days.

Thank you,



Howard D. Olinsky, Esq.

cc: (via ECF)  
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Plaintiff's application is GRANTED, and consideration of Plaintiff's motion for attorney's fees (ECF No. 25) is STAYED pending determination of the amount of the administrative representative's fees. Plaintiff is directed to provide status updates to the Court every 60 days, with the first such update due on March 23, 2021.

In addition, Defendant's letter motion (ECF No. 32) is GRANTED. Defendant's deadline to respond to Plaintiff's motion is extended, *nunc pro tunc*, until two weeks after Plaintiff has advised the Court of the amount of the approved fees for the administrative representative. The Clerk of the Court is directed to terminate the motion at ECF No. 32.

Dated: January 22, 2021

**SO ORDERED.**



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ANDREW E. KRAUSE  
United States Magistrate Judge